App. F. IX-4

File No. 70-30

Serial Nos. 1-4

Previous Reference

Law 98-28, 1-4.
" 24-27, 1-4
Misc 243-28, 1-4

Later References

Law 73-34-1-2
Misc 81-32-1-4

General and Revenue Secretariat.

Part B for Law 1931

SUBJECT.

Petition of Swamy Dayanandeswara Krishnacharlu

GENERAL AND REVENUE SECRETARIAT.

(2

NOTES.

FILE HEADING.

Notice by Swami Dayasara Bhishmathara

FROM Swami Dayasara Bhishmathara Mysore

References relating to the previous notes
put up. An endorsement has been issued
Swami Bhikshacha stating that the Rev. Com
taking necessary action in the matter
from the R.C.E
& for regarding the action taken may be communi
Dft to the Hon'ble Rev puruse.

ISD
17/11

Done & resubmitted.
MP
17.11

To

The Nizam Comm

No. P. 2811 dt 15.11.30 requesting to repor
at once whether the amounts due from
Mr. Venkata Krishnappa have been received and
remitted to the Swami

Regd

Mer Dr for perusal & return

Submitted for perusal
MBK
21/11/30.

MP
20/11

24.11.30

Returned to Protector
Branch.
24/11/30

R^r to the Mun^r Comm^r put up.

Issue
Mlq/12
No. P. 3325 dt 11.12.30.

Sus A
TSD
18/12
DM

R^r dated 4.12.30 from Swami Dayasagara Bhikshuacha enquiring about his notice

Pending report from the Mun^r Comm^r an endorsement may be given to Swami Dayasagara Bhikshuacha informing him that the matter is under enquiry.

Dft endorsement is also put up.

for approval

TSD
18/12

Please put up the usual form of acknowledgment.

DM
18/12

Suit may be awaited

Under the Circumstances noticed at page by the Mun Commr as well as the D.C. Mysore the threatened suit, if filed may be defended

TSD
22/1

The reports now received from the Mun Comrs clearly show that the claim made in the notice is excessive. The threatened suit, if instituted, may well be defended - If appd, the papers with a view be filed, after issue of the draft endorsement to the party, herewith put up.

Legal Asst
22/1/31

Yes.
D. M.
24/1

FROM

S. P. RAJAGOPALACHARI, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

Rajasevaparayana
B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to Government of His Highness
the Maharaja of Mysore,
Financial *Department.*

D.No 984

SIR,

In continuation of this office letter No.835/30-31 dated 10th January 1931 submitting a report on the notice of suit from Swami Dayasagar Bhishmachar for certain arrears of gutta amount due to him I have the honor to forward herewith copy of the letter --- No.H.455/30 dated 28th April 1931 from the Deputy Commissioner -- Mysore District forwarding another petition from the Swami, ----- intimating that he will take criminal action against Mr. B.Venkatakrishnappa and file a suit also against him making Government a party to it if the arrears are not recovered and paid to him by -- Government.

The petition is herewith submitted.

previous papers D.No 984 having been
ed to Law Section, for all
ng already transferred.
and Secty) VS 13.5.31.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

PMA

The question has been closely examined in the Law file 70-30 SL 1-4. and an endorsement was issued to the party that Govt find no reason to interfere with the matter. now he threatens a civ. action. this may be filed.

ISD ms. Please furnish a reply to the Com^r accordingly. PMA 18/5

Refce orders on 26.1.31 in the
Law file putup.
Draft reply to the Com^r is put up
for favour of approval.

Legal R^r Appd 16/5

D.M. 18/5

issue
DOP 19/5

To

The Hy. Comm^r

No. P. 7518 dated. 15.5.31 informing that no further
action is necessary to be taken on the notice and
that the Suit if any, filed against Govt may well
be defended

Mem Dr with compts for favour
of perusal

DOP
9-6

(I Secy)

10.6.31

1st. meeting 14/6

15/6/31

14/6

See it with Compliments.

B

ISD 14/6.

Letter No.H.455/30 dated 28th April 1931 from the Deputy Commissioner, Mysore District to the Muzrai Commissioner in Mysore.

Arrears of gutta amount due to Swamy Dayasagara Bhismachar.

In continuation of this office letter No.H.455/30 dated 19th December 1930 regarding the notice of suit issued by Swamy Dayasagara Bhismachar about the payment of the arrears of gutta amount due to him on certain lands in Yedatore Taluk have the honor to forward herewith another petition dated 6-4-1931 received from the Swamy to the effect that he will file a suit against Government, if the balance of Rs.383/- is not recovered from Mr. B. Venkatakrishnappa and paid to him.

"C o p y"

Yeeraswega Ra

For Muzrai Commissioner.

P. B
6.4.31
Recovery of Rs 7-8-3
amount from out
B. Venkatachinnappa

20 Nov. 1876

The Commissioner
Mysore Territories

The mal-administration of Amildar B. Venkatachinnappa, as detailed in my letter dated 13th instant, is under report for your thorough and clear understanding of the case.

On the kind reference by Mr Ramanathan, as Dewan Mysore, Govt passed orders recovering from him the value claimed by me and no consideration was paid by the Govt either to reduce the claim or to fix value. Subsequently the Govt, the Dewan Mr Ananta Rau recovered from him Rs 363-8-3, as part payment of my claim in addition to the Kandayam paid by him over the illegal levies Rs 154-4-0 and 80 mal Rs 517-8-3. The balance of Rs 383-12 is due from him to my full satisfaction.

I pray you recover from him by a notification the balance thus due. His actions were accepted by the Secretary, as he exercised his power of civil judge as Amildar of Dabus while Rev administration the subject of his Amildarship and the Dewan Mr also

be liable if any such attempt was made by them.

The Govt was directed by the Govt to recover the amount from him. In this attempt to do so, he has done his duty and has received hard words and the balance must be recovered from him and the delay will make Govt responsible. Under the circumstances Govt should now charge the Govt and report matter to the Govt and ask their further permission if necessary to recover the balance from him to the full satisfaction of the claim made and supported by the learned Govt Mr Ramanathan and the final order of the Govt be received from him.

We send a copy of this letter to you kindly perusal and I pray full notice of your learned hands after satisfaction of the facts by the record. The learned Govt must take serious notice of the conduct and mal-administration of him by making false reports to the Govt Govt, to support a woman in the cancellation of the endowment when the property was self acquired by the Govt under Govt proceedings. They have shown him good leniency. If the balance is not paid by him and on his receipt of your reply I mean to proceed against him criminally for the attempt made by him to deceive me and file a suit against him

the civil making Govt a party to this suit.

I am a loyal subject of this Govt and this Govt have exercised judiciously, in reserving from time to time such amount. It is their duty to give me sufficient reason for such reserving from time to time the balance of the Amount unadjusted by them.

I trust the learned Lawyer will do his part of his duty judiciously either taking the responsibility on his original order, or to submit his report to this Govt asking them permission to deem the balance to be brought to account [illegible] so as to do fair justice to this matter.

Thanking you,

I remain Sir,

Your most obedt servt

Sd/- Swamy Sayaji Rao Shinde

6. April 1931

To

The Muraraikenv in Mupere

Sir

With reference to your letter No: 835/30:31 dated 12th May 1931 regarding the notice of suit from Swami Dayasagara Bhishmachar for certain arrears of pulka amount due to them, I am directed to inform you that no further action is necessary to be taken on the notice & that the suit or summary action if any filed against Govt may well be defended.

By Regd Post
Do

Prott & Rev

CHIEF SECRETARY
8 NOV. 1930

Dated 7-30-1

To the Chief Secretary
to the Govt of Mysore
Bangalore

The civil Govt in a Judicial State of Mysore has passed their final orders, after learned opinion and the instructions of the Law Secretary, to say that the Amildar of B. Venkata Krishnappah, when in charge of Yadiyur by his done wrong, in entering into civil nature of disposing matters, which he has no power as a revenue officer - giving possession of the lands endowed by Swami Bhishma Iver to the Lord Narayana into possession of the lands to the Amildar, ministerial officer on the orders of the Munsif Court by giving possession to an illegal woman and allowed her to enjoy the crops of the lands for 2 years -

The learned Counsel for Ramanathan on hearing in appeal, wrote to the Govt, asking their permission to revise in theory petition from the Amildar for B.V. Krishnappah - The learned Govt agreeing with him passed their orders to revise from him - The Counsel now in charge of this District Anantaram was instructed to revise accordingly, who after instruction took steps to revise and for B. Venkata Krishnappah sent him Rs 362-8-0 vide V.C.D.I.R as part payment of the dues claimed by the donor -

The Asst Counsel for Venkatasa Iyengar, now a Revenue Debt, for want knowledge of his power as Revenue officer, and without understanding the orders of the Govt, when Amildar is found fault with. For entering into civil nature of disposal

he entered into civil nature of dispensal and decided the case ex parte, subscribing the Amildar and his wrongful action when condemned by the Govt. He being a pure Rev officer, when his actions of the Amildar is entirely condemned by the Govt as per opinion of the Law Secretary, is also liable to be condemned, as he has exceeded his entered into civil nature of dispensal, that too ex parte without hearing his dancer, moving him by a notice, and submitted his report to the Dy Coll -

The learned Dy Coll Mr Ananta Ram, has been driven into a dark dungeon by the wrong Advice, by placing before him illegal harassment of the Asst Coll & subject the Amildar and the illegal woman. Between them obligation - When an Amildar, a Rev officer, has no power to enter into civil nature of dispensal, the Asst Coll, being Rev officer has equally no any power to enter into civil nature of dispensal of the case, the learned Dy Coll Mr Ananta Ram is also entering into civil nature of dispensal, without making any discretionary power in binding the dancer to the decisions of the Asst Coll and to be satisfied, with the amount now collected by him - His learned endorsement dt 23rd Oct-30, in which the applications of the dancer dated (12-9-30 & 20-9-30) is illegal as he says " the applicant may be informed to receive payment of the amount recovered from the B. Venkata Venkatasubbaiah, which is deposited at the Agraharam Dy. after adjusting the Govt dues out of Lands with the above said 2 years. (26-2) and 2) & 28). "
The present Amildar of Agraharam under instructions of the Dy Coll has returned the B. V. Venkatasubbaiah, the sum of amount 8, in postal Stamps, as found to be recovered

It is a wonder to learn, the Dy Coll also is wrong in entering into civil nature of dispensal being guided by his wrong Hd Clerk, who is at the bottom of all the

irregularities, as he advocate has caused his illegal woman and his brother, which the Deputy has Bhanda Ram did not understand - It is desirable that the learned Govt should instruct the Deputy Bhanda Ram not to enter into civil nature of dispose of the case by forcing him owner to accept the decision of the Asstt and to receive his money and to deposit in the Dy Treasury Gadalva, after returning 8 annas to Mr B. V. Dixitmatkar and adjusting his dues of the Govt, but to hand the owner, his sum now collected as part payment and to receive the balance from Mr B. V. Dixitmatkar for adjusting his Govt dues and pay the balance to the owner -

The valuer 60 candies of paddy at Rs 15 per candy comes to Rs 900/-
The sum now collected is Rs 363 - The balance of Rs 537 - must be received from him by another R.D.R. at an early date and after deducting the Kandayaney 27-28, Rs 157 - the balance of Rs 380/- may be paid to the owner. The Deputy is entirely wrong, in binding the owner, to accept the illegal decision of the Asstt, who wherein want of power has entered into civil nature of dispose, that to separate, and the Deputy may be instructed, that Asstt's decision is also wrong as he has no power to enter into civil nature of dispose.

If the learned Govt, fails to instruct the Deputy, wherein going wrong, the owner will be obliged to seek his remedy by adopting the unpleasant course of Law against the Govt for the balance of the amount to be received from the Ryot as part payment has been made by him in obedience of the decisions of the Govt. You please therefore take notice under Sec 80 C.P.C to consider the dispose of the matter without putting me to the position of distrustfully against my beloved Govt by going to Law for the recovery of the balance of the amount

Yours
7-11-1930.

I always remain Sir
faithfully & loyally
Swami Dayasagara Theerthaswamy
561 - Jalan Kuchai Bahru Lane Bangalore City

Immediate

To

The Mukhtar Commissioner

Sir

In inviting
~~I am directed to~~
the correspondence ~~enclosed~~ with
~~cover~~ reference to this office
~~letter~~ Memo No. P. 6420 dated 23. 4. 29
re the recovery of arrears of
gutta due to Swamy Dayasagara
Bhikshacharya ~~and to request~~ I am directed to
~~you to furnish a report fro~~
~~the action taken in the matte~~
return
~~Early notice having~~
~~been received from the Swamy~~
~~under sec 80 C.P.C. the matter may~~
~~kindly be expedited and report sent~~
immediately

have been received & remitted to

the Swami and ~~how the~~ what progress has been made in

the matter of the recovery of the Sukka

~~from~~ for the years 1924-25 & 1925-26

out standing with the lessees

Thareck

DSP

For Legal Asst

The Muzrai Commissioner in Mysore,

B a n g a l o r e.

In inviting reference to the correspondence ending with this Office Memorandum No.P. 6428 dated 23rd April 1929 regarding the recovery of arrears of gutta due to Swamy Dayasagara Bhishmachar, am directed to state that another notice from the Swamy has been received which is herewith forwarded for reference and return and to request you to report at once whether the amounts due from Mr. Venkatakrishnappa have been recovered and remitted to the Swamy and what progress has been made in the matter of the recovery of the gutta for the years 1924-25 and 1925-26 outstanding with the lessees.

I have the honor to be,

Sir,

Your most obedient servant,

For Legal Remembrancer and
Secretary to Government
Law Department.

6

Chief Secretary

Bangalore

My registered letter No 78 dated 5-11-30 was duly acknowledged by you on 8-11-1930. by the signature of Mr. M. R. Subbaraya -

It is merely one instance - I have neither duly acknowledged by the office nor forwarded with the Journal - I am at a loss to know what has become of it - In whose custody was it for so long a time -

The Secretary C. B. with Compliments.

17.12.32

It is noted in the [illegible] Note book that this ref: was sent to Rev & Prof. I would suggest that the Prof. Bro. may kindly be enquired.

18/12

SIR,

With reference to letter No.P.2850/Law 70-30-2 dated 18th November 1930 from the Secretary to Government, Law Department, calling for a report on the notice received from Swamy Dayasagar Bhishmachar in the matter of the arrears of gutta due to him, I have the honor to forward herewith a copy of Mysore Deputy Commissioner's letter No.H.455/30 dated 17th December 1930, on the subject and to state as follows:-

It is reported that a sum of Rs.362-8-3 for which Mr. B. Venkatakrishnappa was held liable in respect of the gutta amount for 1926-27 and 27-28 due to the Swamy in Government Order No.2682-4/Muz.243-29-4 dated 22nd May 1930. was recovered from him and sent to the Amildar, Yedatore Taluk, on 5th January 1930, with instructions to pay the amount to the Swamy less the Government dues, if any on the lands. As regards the recovery of gutta for 1924-25 and 25-26, the Deputy Commissioner has ordered on 19-4-30 that the properties of the defaulting lessee should be attached and his right, title and interest in his private lands should be sold. The local officers have also been warned that in case of delay or neglect in taking action, their personal responsibility would be enforced. He reports that he has asked the Sub Division Officer, Mysore, to submit an immediate report as to the action taken. It is seen from the Deputy Commissioner's letter, that as gutta for 1924-25 and 25-26 had yet to be recovered, that he has ordered, that the assessment for those years need not be recovered from the gutta amounts for 26-27 and 27-28 and that the amount recovered from Mr. B. Venkatakrishnappa be paid to the Swamy deducting therefrom dues for 1925 --

Letter No.H.455/30 dated 17th December 1930 from the Deputy Commissioner, Mysore District to the Muzrai Commissioner in Mysore.

Subject:- Arrears of gutta amount due to Swamy Dayasagara Bhishmachar

With reference to your memo No. 835/30-31 & 25-11-30 re. the notice issued by Swamy about the payment of arrears of gutta due to him on certain lands in Yedatore taluk, I have the honor to state that the circumstances in which Mr. B. Venkatakrishnappa was made liable to pay a sum of ---- Rs.362-8-3 only, have been already reported in my letter No.H.2-346/27 dated 18-11-29 (copy enclosed). This amount which represents the gutta amount for 1926-27 and 27-28 was recovered rrom Mr. B. Venkatakrishnappa and sent to the taluk Amildar on 5-1-1930 with instructions to pay the amount to the Swamy, less the Government dues, if any, on the lands. As Mr. B. Venkatakrishnappa had sent a cheque for ----- Rs.363-8-3 on the Bank of Mysore, a commission or As.8/- was deducted by the Bank for the realisation of the amount and the balance of --- Rs.363-0-3 was sent to the Amildar, Yedatore taluk with instructions to refund the excess amount of As.8/- to Mr. Venkatakrishnappa.

2. As regards the recovery of the gutta for 24-25 and 25-26, the matter was under enquiry before this office as the lessee Lakshmegowda had filed a protest petition praying for some concession in payment of gutta as he suffered severe loss on account of failure of crop during those two years. As he was not entitled to any remission, I have ordered on 19-1-1930 that the properties of the lessee should be attached and his right title and interest on his private lands should be sold, that the amount should be recovered before the end of May 1930, and that if there was any delay or neglect in taking action, the personal responsibility of the officer concerned would be enforced. I have asked the Sub Division Officer Mysore for submission of an immediate report as to the action taken by the Amildar.

the Swamy petitioned to me on 13-8-30 and 25-8-30 stating that his claim against Mr. B. Venkatakrishnappa was Rs.900/- for 60 candies of paddy calculated at Rs.15/- per candy, that out of which a sum of Rs.154-7-9 was paid by Komalavalli ammal for kandyam and a sum of Rs.362-8-3 had already been recovered from Mr. B. Venkatakrishnappa, and that the balance of Rs.383/- had still to be recovered from Mr. Venkatakrishnappa and paid to him. The Swamy also prayed for the payment of amount in deposit. An endorsement was issued to him on 2-9-30 stating that it was left to him to go and receive payment at the taluk office

The gutta for 1926-27 had been fixed by Amildar Mr.Venkatakrishnappa at 24 candies of paddy and this quantity the lessee Ramegowda is reported to have delivered to Komalavalli Ammal as ordered by the Amildar. Komalavalli Ammal has passed the --- receipt for 24 candies vide page 66 of the record. The gutta for 1927-28 was not fixed by Government since the lands were restored to Komalavalli Ammal on 25-1-27. It is learnt that the land was leased out to Hullebore kaval patel Ramegowda by Komalavalli Ammal for 23 candies that year. So the total gutta for 1926-27 and 27-28 is 47 candies. From the villagers mahajor it is seen that the value of paddy per candy during harvest season was from Rs.10/- to 12 at Mirle during the past 7 or 8 years. The value may be taken at an average of Rs.11/- per candy and according to this rate the amount for 47 candies of paddy being the gutta for 1926-27 and 1927-28 comes to Rs.517/-. Out of the proceeds Komalavalli Ammal has paid to Government Rs.154-7-9 as kandaya for 1926-27 Deducting this amount from the value of the gutta for 1926-27 and 1927-28, a sum of Rs.362-8-3 will have to be recovered from Mr. Venkatakrishnappa.

3. As regards the recovery of gutta for the years 1924-25 and 25-26, the right title and interest in the lands of the defaulting lessee had been advertised for sale. Since no one came forward to buy the property at the sale, a resale has been arranged in April 1929 and the sale proclamation has also been served. If no one offers any bid this time also, arrangements will be made to buy up the property by the Revenue Inspector on behalf of Government and necessary action taken to recover the amount by distraint of the sessees movable properties and he will also be prevented from enterin up on the land.

4. The file of vernacular records may be kindly returned for taking necessary further action. Whether in paying the amount to be recovered from Mr. Venkatakrishnappa to Bhishmachar the assessment for 1927-28 may not be deducted, for consideration.

"C o p y"

For Mulrai Commissioner.

Section Labour

File No. 70-30

Serial No. 4

No.

Pleero

To

Swamy Dayasagara.

Bhishmachar

Mysore.

Endorsement

In continuation of this office No: P 3529 dated 24th Dec. 1930, the petitioner is hereby informed that Govt find no reason to interfere with the orders passed by the Deputy Com., Mysore in the matter.

ENDORSEMENT.

Swami Dayasagar Bhishmachar,
561, Jagan Mohan Palace Square,
Mysore .

Subject: Re.Recovery of Gutta amounts for 1926-27 and 27-28 from Mr.B.Venkata Krishnappa, Ex Amildar, Yedatore.

In continuation of this office No.P.3549 dated 24th December 1930, the petitioner is hereby informed that Government find no reason to interfere with the orders passed by the Deputy Commissioner, Mysore in the matter.